

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

RONALD TUSSEY, et al.,

Plaintiffs,

v.

ABB, INC., et al.,

Defendants.

CIVIL ACTION
No. 06-CV-04305

(Judge Nanette K. Laughrey)

**FIDELITY DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT**

Defendants Fidelity Management & Research Company (“FMRCo”) and Fidelity Management Trust Company (“FMTC”) (collectively the "Fidelity Defendants") respectfully move this Court for an order pursuant to Fed. R. Civ. P. 56(c) against all plaintiffs on the grounds that there are no genuine issues of material fact and defendants are entitled to judgment as a matter of law as set forth in the accompanying Suggestions in Support of Fidelity Defendants’ Motion for Summary Judgment and granting such other and further relief as the Court deems just and proper.

Dated: March 9, 2009

Respectfully submitted,

/s/ Richard N. Bien

Richard N. Bien
Adam B. Walker
Lathrop & Gage, L.C.
2345 Grand Boulevard, Suite 2800
Kansas City, MO 64108

Robert N. Eccles
Brian D. Boyle
Stephen D. Brody
Shannon Barrett
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Admitted pro hac vice

James S. Dittmar
James O. Fleckner
Goodwin Procter LLP
Exchange Place
Boston, MA 02109
Admitted pro hac vice

*Attorneys for Defendants Fidelity
Management Trust Company and Fidelity
Management & Research Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2009, the foregoing was filed and service made by the Court's Electronic Case Filing (ECF) system to:

Jerome J. Schlichter Daniel V. Conlisk Heather Lea Schlichter, Bogard & Denton 100 South 4th Street, Suite 900 St. Louis, MO 63102 Attorneys for Plaintiffs	Thomas E. Wack Jeffrey S. Russell Bryan Cave LLP 211 North Broadway, Suite 3600 St. Louis, MO 63102 Attorneys for Defendants ABB Inc., John W. Cutler, Jr., Pension Review Committee of ABB Inc., Pension & Thrift Management Group of ABB Inc., and the Employee Benefits Committee of ABB Inc.
Brian T. Ortelere William J. Delany Catherine A. Cugell Morgan, Lewis & Bockius, LLP 1701 Market Street Philadelphia, PA 19101-2921 Attorneys for Defendants ABB Inc., John W. Cutler, Jr., Pension Review Committee of ABB Inc., Pension & Thrift Management Group of ABB Inc., and the Employee Benefits Committee of ABB Inc.	

s/Richard N. Bien